

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT THOMAS VISNICH,

Defendant.

CASE NO. CR19-0069-JCC

ORDER

This matter comes before the Court on Defendant Scott Thomas Visnich's motion to proceed with his sentencing hearing by video conference (Dkt. No. 62). Having thoroughly considered the motion and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

I. BACKGROUND

On April 4, 2019, Mr. Visnich was charged by indictment with two counts of possession of methamphetamine with intent to distribute and one count of possession of heroin with intent to distribute. (Dkt. No. 13.) He has been in custody since his arrest in March 2019. (*See* Dkt. Nos. 6, 11, 12.) In October 2019, Mr. Visnich pleaded guilty and his sentencing hearing was scheduled for April 21, 2020. (Dkt. Nos. 37, 48, 50.) However, because of serious health and safety concerns related to the COVID-19 pandemic, the Court continued Mr. Visnich's sentencing hearing to June 9, 2020, (Dkt. No 51), then to August 4, 2020, (Dkt. No. 52), then to

September 15, 2020, (Dkt. No. 56), and finally to October 21, 2020, (Dkt. No. 60). To avoid further delay, Mr. Visnich now moves to proceed with his sentencing by video conference. (Dkt. No. 62.)

II. DISCUSSION

Because of the health risks posed by the COVID-19 pandemic, the Court may conduct a felony sentencing hearing by video conference if the defendant consents and the Court finds that the sentencing cannot be further delayed without serious harm to the interests of justice. *See* Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136, §§ 15002(b)(2)(A), (b)(4), 134 Stat. 281, 528–29 (2020); W.D. Wash. General Order No. 14-20 (Sept. 24, 2020), 04-20 (Mar. 30, 2020). Under General Order 15-20, in-person proceedings will not resume until at least January 1, 2021. *See* W.D. Wash. General Order No. 15-20 at 2 (Oct. 2, 2020). Mr. Visnich has a strong interest in the speedy resolution of this matter and the Court concludes that delaying sentencing by three additional months would cause serious harm to the interests of justice.

III. CONCLUSION

For the foregoing reasons, the Court GRANTS Defendant's motion to proceed with his sentencing hearing by video conference (Dkt. No. 62) on October 21, 2020 at 9:00 a.m.

DATED this 21st day of October 2020.



John C. Coughenour
UNITED STATES DISTRICT JUDGE